

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RODRIGO FUENTES,

4 Plaintiff

5 v.

6 KEVIN SPEED, et al.,

7 Defendants

Case No.: 2:24-cv-00288-APG-DJA

**Order Accepting Report and
Recommendation and Dismissing Case**

[ECF No. 7]

8 On May 21, 2024, Magistrate Judge Albregts recommended that I dismiss this case
9 because plaintiff Rodrigo Fuentes's claims are better brought through a habeas corpus petition
10 and because Fuentes attempts to sue immune defendants. ECF No. 7. Fuentes did not object.
11 Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28
12 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions
13 of the report or specified proposed findings to which objection is made"); *United States v.*
14 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the
15 magistrate judge's findings and recommendations de novo *if objection is made*, but not
16 otherwise" (emphasis in original)).

17 I THEREFORE ORDER that Magistrate Judge Albregts' report and recommendation
18 (ECF No. 7) is accepted, and this case is dismissed without leave to amend, but without
19 prejudice to plaintiff Rodrigo Fuentes filing a habeas corpus petition. The clerk of court is
20 instructed to close this case.

21 DATED this 11th day of June, 2024.

22 
23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE